

Bureau, Room 518, 1919 M Street, N.W., Washington, D.C. 20554, and one copy of any pleadings should be submitted on computer disk to the Industry Analysis Division, Common Carrier Bureau, Room 534, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

#### List of Subjects

##### 47 CFR Part 61

Communications common carriers, Telephone.

##### 47 CFR Part 69

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,  
*Acting Secretary.*

[FR Doc. 95-23778 Filed 9-25-95; 8:45 am]

BILLING CODE 6712-01-M

##### 47 CFR Part 73

[MM Docket No. 95-151; RM-8695]

#### Radio Broadcasting Services; Snyder, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Mark C. Nolte, proposing the allotment of Channel 246A to Snyder, Texas, as the community's second local FM service. Channel 246A can be allotted to Snyder in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 246A at Snyder are 32-43-04 and 100-55-02.

**DATES:** Comments must be filed on or before November 13, 1995, and reply comments on or before November 28, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John B. Kenkel, Kenkel & Associates, 1901 L Street, Suite 200, Washington, DC 20036 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of*

*Proposed Rule Making*, MM Docket No. 95-151, adopted September 12, 1995, and released September 21, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-23771 Filed 9-25-95; 8:45 am]

BILLING CODE 6712-01-F

##### 47 CFR Part 73

[MM Docket No. 95-150; RM-8692]

#### Radio Broadcasting Services; San Angelo, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Regency Broadcasting, Inc., proposing the allotment of Channel 289C3 to San Angelo, Texas, as the community's ninth local FM service. Channel 289C3 can be allotted to San Angelo in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 289C3 are 31-27-48 and 100-26-12.

**DATES:** Comments must be filed on or before November 13, 1995, and reply comments on or before November 28, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James L. Oyster, 108 Oyster Lane, Castleton, Virginia 22716-9720 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-150, adopted September 12, 1995, and released September 20, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-23779 Filed 9-25-95; 8:45 am]

BILLING CODE 6712-01-F

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 95-69, Notice No. 01]

RIN No. 2127-AF80

### Federal Motor Vehicle Safety Standards; New Non-Pneumatic Tires for Passenger Cars

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to rescind Federal Motor Vehicle Safety Standard No. 129 and certain portions of Standard Nos. 110 and 120 and part 574 of Title 49 of the Code of Federal Regulations. Those provisions specify performance and labeling requirements for new non-pneumatic spare tires for passenger cars. Although those provisions were established in the anticipation of the production of non-pneumatic spare tires, none have been produced. Further, there are no known plans to produce any in the foreseeable future. Accordingly, the continued retention of these requirements serves no purpose.

**DATES:** *Comment closing date.*

Comments must be received on or before November 27, 1995.

*Proposed effective date:* If adopted, the amendments proposed in this notice would become effective 30 days after date of publication of the final rule in the Federal Register.

**ADDRESSES:** All comments must refer to the docket number and notice number set forth above and be submitted, preferably in 10 copies, to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW, Room 5109, Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Terri Droneburg, Vehicle Dynamics Group, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone (202) 366-6617; facsimile (202) 366-4329.

For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone (202) 366-2992, facsimile (202) 366-3820.

**SUPPLEMENTARY INFORMATION:** Pursuant to the March 4, 1994 directive entitled "Regulatory Reinvention Initiative" from the President to the heads of Federal departments and agencies, NHTSA reviewed all its Federal motor vehicle safety standards and regulations. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission, including the non-pneumatic provisions in Standard No. 129, *New non-pneumatic tires for passenger cars*. The agency tentatively concluded from that review that the non-pneumatic tire provisions, among others, could be rescinded because the need for them no longer exists.

In the late 1980's, motor vehicle and tire manufacturers experimented with non-pneumatic spare tires for possible use as inexpensive, temporary spare tires for use on new passenger cars. Anticipating the development of such tires, NHTSA published Standard No. 129 on July 20, 1990, to become effective August 20, 1990 (55 FR 29581). In the same notice, the agency added non-pneumatic tire performance and labeling requirements to Standard No. 110, *Tire selection and rims*; Standard No. 120, *Tire selection and rims for motor vehicles other than passenger cars*; and 49 CFR part 574, *Tire Identification and Recordkeeping*.

Development of such tires and plans for their use, however, were discontinued. Consequently, no non-pneumatic tires are currently being produced and the agency is not aware of any plans to produce them in the future.

**Agency Proposal**

Since non-pneumatic spare tires are not being produced and, to the agency's knowledge, will not be produced in the foreseeable future, NHTSA tentatively concludes that there is no need to retain Standard No. 129 and the pertinent portions of Standard Nos. 110, 120, and 49 CFR part 574 in effect, and proposes to rescind them. The agency seeks comment on that tentative conclusion. In addition, NHTSA solicits comment on whether, if a different type of non-pneumatic spare tire were to be developed in the future, the existing requirements are sufficiently generic to accommodate such new technology or whether amendment to the standard would be necessary in any case to accommodate the new technology.

**Rulemaking Analyses and Notices***Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rulemaking document was not reviewed under E.O. 12866, *Regulatory Planning and Review*. NHTSA has considered the impact of this rulemaking action under the DOT's regulatory policies and procedures and has determined that it is not "significant" within the meaning of those policies and procedures.

The amendments proposed in this notice are intended to eliminate unneeded and unnecessary regulations in accordance with the President's "Regulatory Reinvention Initiative," thereby simplifying and streamlining the body of Federal regulations. Since non-pneumatic tires are not now being produced and to the agency's knowledge will not be produced in the

foreseeable future, the amendments proposed in this notice would have no cost impacts or leadtime effects for either manufacturers or consumers. The impacts are so minimal that preparation of a full regulatory evaluation was not warranted.

*Regulatory Flexibility Act*

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As noted above, this proposal would not have any impact on manufacturers of motor vehicles or motor vehicle equipment, thus would have no impact on the costs of motor vehicles or motor vehicle equipment. Accordingly, the agency has not prepared a preliminary regulatory flexibility analysis.

*Executive Order 12612 (Federalism)*

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No state laws would be affected.

*National Environmental Policy Act*

The agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

*Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980, Pub. L. 96-511, the agency notes that there are no information collection requirements associated with this rulemaking action.

*Executive Order 12778 (Civil Justice Reform)*

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision thereof may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle only if the state's standard is identical to the Federal standard. However, the United States government, a state or political subdivision thereof may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the

Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. This section does not require submission of a petition for reconsideration or other administrative procedures before parties may file suit in court.

#### Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Necessary attachments may be appended to these submissions without regard to the 15-page limit.

If a commenter wishes to submit certain information under a claim of confidentiality, 3 copies of the complete submission, including the purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and 7 copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in 49 CFR part 512, the agency's confidential business information regulation.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available to the public for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The agency will continue to file relevant information in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the docket section should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

#### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.110 would be amended by revising S2 and S4.1; by removing the definitions of "non-pneumatic rim," "non-pneumatic spare tire assembly," "non-pneumatic tire and non-pneumatic tire assembly," and "wheel center member" from S3; by removing S4.3(e); and by removing S5 through S8.2, to read as follows:

##### **§ 571.110 Standard No. 110; Tire selection and rims.**

\* \* \* \* \*

S2. *Application.* This standard applies to passenger cars.

\* \* \* \* \*

S4.1. *General.* Passenger cars shall be equipped with tires that meet the requirements of § 571.109, *New Pneumatic Tires—Passenger Cars.*

\* \* \* \* \*

3. Section 571.120 would be amended by revising S3, S5.1.1, and the introductory paragraph to S5.3; and by removing S5.3.3, and S6 through S9.2, to read as follows:

##### **§ 571.120 Standard No. 120; Tire selection and rims for motor vehicles other than passenger cars.**

\* \* \* \* \*

S3. *Application.* This standard applies to multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and to rims for use on those vehicles.

\* \* \* \* \*

S5.1.1 Except as specified in S5.1.3, each vehicle equipped with pneumatic tires for highway service shall be equipped with tires that meet the requirements of § 571.109, *New Pneumatic Tires for Passenger Cars*, or § 571.119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*, and rims that are listed by the manufacturer of the tires as suitable for use with those tires, in accordance with S4.4 of § 571.109 or S5.1 of § 571.119, as applicable.

\* \* \* \* \*

S5.3 *Label Information.*

Each vehicle shall show the information specified in S5.3.1 and S5.3.2 in the English language, lettered in block capitals and numbers not less than 3 thirty-seconds of an inch high and in the format set forth following this section. This information shall appear either—

\* \* \* \* \*

##### **§ 571.129 [Removed]**

4. Section 571.129 would be removed in its entirety from the CFR.

#### **PART 574—TIRE IDENTIFICATION AND RECORDKEEPING**

5. The authority citation for Part 574 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

6. Section 574.4 would be revised it to read as follows:

##### **§ 574.4 Applicability.**

This part applies to manufacturers, brand name owners, retreaders, distributors, and dealers of new and retreaded tires for use on motor vehicles manufactured after 1948. However, it does not apply to persons who retread tires solely for their own use.

7. Section 574.5 would be amended by revising the introductory paragraph and paragraph (b) to read as follows:

##### **§ 574.5 Tire identification requirements.**

Each tire manufacturer shall conspicuously label on one sidewall of each tire it manufactures, except tires manufactured exclusively for mileage-contract purchasers, by permanently molding into or onto the sidewall, in the manner and location specified in Figure 1, a tire identification number containing the information set forth in paragraphs (a) through (d) of this section. Each tire retreader, except tire retreaders who retread tires solely for their own use, shall conspicuously label one sidewall of each tire it retreads by permanently molding or branding into or onto the sidewall, in the manner and location specified in Figure 2, a tire identification number containing the information set forth in paragraphs (a) through (d) of this section. In addition, the DOT symbol required by applicable Federal Motor Vehicle Safety Standards shall be molded into or onto the tire sidewall and shall be located as shown in Figures 1 and 2. The DOT symbol shall not appear on tires to which no Federal Motor Vehicle Safety Standard applies, except that the DOT symbol on tires for use on motor vehicles other than passenger cars may, prior to retreading, be removed from the

sidewall or allowed to remain on the sidewall, at the retreader's option. The symbols to be used in the tire identification number for tire manufacturers and retreaders are: "A, B, C, D, E, F, H, J, K, L, M, N, P, R, T, U, V, W, X, Y, 1, 2, 3, 4, 5, 6, 7, 8, 9, 0." Tires manufactured or retreaded exclusively for mileage-contract purchasers are not required to contain a tire identification number if the tire contains the phrase "for mileage contract use only" permanently molded into or onto the tire sidewall in lettering a least one-quarter inch high.

\* \* \* \* \*

(b) *Second grouping.* For new tires, the second group, of no more than two symbols, shall be used to identify the tire size. For retreaded tires, the second group, of no more than two symbols, shall identify the retread matrix in which the tire was processed or a tire size code if a matrix was not used to process the retreaded tire. Each new-tire manufacturer and retreader shall maintain a record of each symbol used, with the corresponding matrix or tire size and shall provide such record to the NHTSA upon written request.

\* \* \* \* \*

8. Section 574.6 would be amended by revising the introductory paragraph and paragraph (c) to read as follows:

#### **§ 574.6 Identification mark.**

To obtain the identification mark required by § 574.5(a), each manufacturer of new or retreaded pneumatic tires shall apply in writing to Tire Identification and Recordkeeping, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, identify itself as a tire manufacturer or retreader and furnish the following information:

\* \* \* \* \*

(c) The type of tires manufactured at each plant, for example, pneumatic tires for passenger cars, buses, trucks or motorcycles; or pneumatic retreaded tires.

Issued on September 19, 1995.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-23690 Filed 9-25-95; 8:45 am]

BILLING CODE 4910-59-P

## **49 CFR Part 571**

[Docket No. 85-6; Notice 10]

RIN 2127-AA13

### **Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems; Passenger Car Brake Systems**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation, DOT.

**ACTION:** Further supplemental notice of proposed rulemaking (FSNPRM).

**SUMMARY:** This notice proposes amendments to FMVSS Nos. 105 *Hydraulic Brake Systems* and 135, *Passenger Car Brake Systems*, to accommodate electric vehicles. The proposal is based on a supplemental notice of proposed rulemaking (SNPRM; Notice 7) published on January 15, 1993, and responds to comments submitted to that notice. Amendments of FMVSS No. 105 based on this FSNPRM (Notice 10) would apply to electric trucks, buses, and multipurpose passenger vehicles. They would also apply to electric passenger cars which had not availed themselves of the option of conforming to FMVSS No. 135, which will become mandatory for all passenger cars manufactured on and after September 1, 2000.

**COMMENT DATE:** Comments on the FSNPRM are due November 27, 1995.

**ADDRESSES:** Comments should be addressed to Docket 85-6; Notice 10, and submitted to Docket Room, NHTSA, Room 5108, 400 Seventh St. SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** T. Droneburg, Office of Vehicle Safety Standards, NHTSA (Phone: 202-366-6617; FAX: 202-366-4329).

#### **SUPPLEMENTARY INFORMATION:**

Table of Contents

Background

Definitions

Partial failure

Brake system indicator lamp

Procedure for determining battery state of charge

Procedures for charging batteries during burnish

Procedures for charging batteries during performance tests

The appropriate value for low battery charge

Procedure for testing at full charge and low charge

Other test conditions

Static parking brake test

Inoperative brake power or power assist unit

ABS and dynamic parking brake tests

Adhesion utilization—torque wheel method

Proposed effective date

Regulatory analyses

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures  
Regulatory Flexibility Act  
Executive Order 12612 (Federalism)  
National Environmental Policy Act  
Executive Order 12778 (Civil Justice Reform)

#### **Background**

On January 15, 1993, NHTSA published a Supplemental Notice of Proposed Rulemaking (SNPRM) concerning brake system performance of electric vehicles (EVs) (Docket No. 85-6; Notice 7, 58 FR 4649). The reader is referred to that notice for information on the rulemaking history of electric vehicle braking, and for background discussion of the proposed brake system requirements.

Notice 7 proposed amendments to FMVSS No. 105 *Hydraulic Brake Systems* and revised portions of a proposed FMVSS No. 135 *Passenger Car Brake Systems*. FMVSS No. 135 has now been issued as a final rule (Notice 8, 60 FR 6411), effective March 6, 1995. Passenger car manufacturers, including those of EVs, have the choice of compliance with either braking standard between now and September 1, 2000. At that time, FMVSS No. 135 will become the sole brake standard that applies to passenger cars. However, FMVSS No. 105 will continue to apply to vehicles other than passenger cars. Because EVs are not restricted to passenger cars, and include pickup trucks, vans, and buses, amendments to FMVSS No. 105 are required to accommodate them.

Comments on the SNPRM were received from General Motors Corporation (GM), Mitsubishi Motors America Inc., American Auto Manufacturers Association (AAMA), Marc Pelletier and Associates (Pelletier), PSA Peugeot Citroën (Peugeot), SMH Swiss Corp. (SMH), Chrysler Corporation, Ford Motor Company, ITT TEVES of Germany (ITT), BMW of North America, American Honda, and Toyota.

The comments supported the rulemaking, although Ford, Chrysler, Peugeot, and Pelletier argued that it is premature at this time to initiate rulemaking because of rapidly advancing technology and the chance that a standard might unduly influence or stifle EV brake system development and improvement. NHTSA is aware of these concerns and is developing its proposals to set safety performance requirements without imposing design restrictions.

Peugeot and Pelletier were concerned with the role of regenerative braking systems (RBS) in service brake performance. Both believe that RBS